

SENATE BILL No. 310

By Committee on Federal and State Affairs

4-7

1 AN ACT concerning reapportionment; establishing the Kansas
2 reapportionment commission; providing requirements for enactment of
3 reapportionment plans.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. As used in sections 1 through 6, and amendments thereto,
7 unless the context requires otherwise:

8 (a) "Commission" means the Kansas reapportionment commission
9 established under section 3, and amendments thereto.

10 (b) "Federal census data" means the population data based on the
11 most recent decennial census required by federal law to be conducted by
12 the United State bureau of the census.

13 (c) "Reapportionment plans" means one or more of the following:

14 (1) A plan for congressional district reapportionment;

15 (2) a plan for state house of representative district reapportionment;

16 (3) a plan for state senate district reapportionment; and

17 (4) a plan for state board of education district reapportionment.

18 Sec. 2. (a) The legislative research department shall acquire the
19 appropriate information, review and evaluate available facilities and
20 develop programs and procedures in preparation for reporting on
21 reapportionment plans pursuant to subsection (d).

22 (b) On December 31 of each year ending in zero, or as soon thereafter
23 as possible, the legislative research department shall obtain from the
24 United States bureau of the census information regarding geographic and
25 political units in this state for which federal census population data has
26 been gathered and will be tabulated. The legislative research department
27 shall use the data so obtained to:

28 (1) Prepare necessary descriptions of geographic and political units
29 for which census data will be reported, and that are suitable for use as
30 components of reapportionment plans; and

31 (2) prepare maps of counties, cities and other geographic units within
32 the state that may be used to illustrate the locations of congressional and
33 legislative district boundaries proposed in reapportionment plans prepared
34 pursuant to section 4, and amendments thereto.

35 (c) On January 1 of each year ending in one, or as soon thereafter as
36 possible, the legislative research department shall obtain from the United

1 States bureau of the census the population data needed for congressional
2 redistricting that the United States bureau of the census is required to
3 provide under public law 94-171 and shall use such data to assign a
4 population figure based upon certified federal census data to each
5 geographic or political unit described under subsection (b).

6 (d) Upon the introduction of a bill embodying a reapportionment
7 plan, the legislative research department shall make the following
8 information available to the public as soon as reasonably feasible:

9 (1) Maps illustrating such plan;

10 (2) a summary of the standards prescribed by section 5, and
11 amendments thereto, governing the development of such plan; and

12 (3) a statement of the population of each district included in such plan
13 and the relative deviation of each district population from the ideal district
14 population.

15 Sec. 3. (a) On or before August 31, 2021, and on or before February
16 28 in each year ending in one thereafter, there shall be established a
17 Kansas reapportionment commission. The commission shall consist of five
18 members. Not more than two members shall be registered with the same
19 political party. Of the first four members appointed to the commission, not
20 more than two shall reside in the same county. Each member shall be a
21 registered voter in this state who has been continuously registered with the
22 same political party or registered as unaffiliated with a political party for at
23 least three years immediately preceding appointment to the commission.
24 No member shall have been appointed to, elected to or a candidate for any
25 other public office, including, but not limited to, precinct committeeman or
26 committeewoman, or served as an officer of a political party, as a
27 registered paid lobbyist or as an officer of a candidate's campaign
28 committee within three years immediately preceding appointment to the
29 commission. A member of the commission may be a member of the board
30 of education of a school district or a school district employee within three
31 years immediately preceding appointment to the commission. Each
32 member shall be committed to applying the provisions of this act in an
33 honest, independent and impartial fashion and to upholding public
34 confidence in the integrity of the reapportionment process

35 (b) On or before July 15, 2021, and on or before January 8 in each
36 year ending in one thereafter, the supreme court nominating commission
37 shall nominate candidates for appointment to the Kansas reapportionment
38 commission who are willing to serve on and are qualified for appointment
39 to the Kansas reapportionment commission. There shall be a total of 25
40 nominees consisting of 10 candidates who are registered with each of the
41 two largest political parties registered in Kansas and five candidates who
42 are not registered with either of the two largest political parties registered
43 in Kansas.

1 (c) (1) Appointments to the commission shall be made from the list of
2 candidates nominated pursuant to subsection (b) as follows:

3 (A) On or before July 31, 2021, and on or before January 31 of each
4 year ending in one thereafter, the speaker of the house of representatives
5 shall make one appointment to the commission;

6 (B) upon the appointment of a commission member by the speaker of
7 the house of representatives, the minority leader of the house of
8 representatives shall make one appointment to the commission;

9 (C) upon the appointment of a commission member by the minority
10 leader of the house of representatives, the president of the senate shall
11 make one appointment to the commission; and

12 (D) upon the appointment of a commission member by the president
13 of the senate, the minority leader of the senate shall make one appointment
14 to the commission.

15 (2) Each such appointing authority shall have seven days in which to
16 make an appointment to the commission. If any appointing authority fails
17 to make an appointment within such time, the authority to appoint a
18 member shall be forfeited. Any vacancy in the four commission positions
19 appointed pursuant to paragraph (1) remaining as of September 1, 2021,
20 and March 1 of each year ending in one thereafter, shall be filled by the
21 supreme court nominating commission from the list of candidates
22 nominated pursuant to subsection (b). In filling any such vacancy, the
23 supreme court nominating commission shall strive for political balance
24 and fairness.

25 (3) At a meeting called by the secretary of state on or before
26 September 15, 2021, and on or before March 15 of each year ending in one
27 thereafter, the four commission members appointed pursuant to paragraph
28 (1) shall select a fifth member of the commission from the list of
29 candidates nominated pursuant to subsection (b). Such member shall not
30 be registered with any political party already represented on the
31 commission. Selection of the fifth member of the commission shall be by
32 majority vote of the four appointed members. If the four appointed
33 members do not select a fifth member within 15 days after establishment
34 of the commission, the supreme court nominating commission shall select
35 a fifth member from the list of candidates nominated pursuant to
36 subsection (b). The member selected pursuant to this paragraph shall serve
37 as chairperson of the commission.

38 (4) Upon selection or appointment of the fifth member, the
39 commissioners shall select one of the members to serve as vice
40 chairperson by majority vote.

41 (d) After having been served written notice and provided with an
42 opportunity for a response, a member of the commission may be removed
43 by the governor for substantial neglect of duty, gross misconduct in office

1 or inability to discharge the duties of office. No such removal shall be
2 effective until ratified by an affirmative vote of $\frac{2}{3}$ of the members of the
3 senate.

4 (e) If a vacancy on the commission occurs prior to the expiration of
5 any term of office, the supreme court nominating commission shall
6 nominate three candidates to fill such vacancy within 30 days after such
7 vacancy occurs. The candidates shall be registered with the same political
8 party as the member who vacated the office at the time of such member's
9 appointment or, if the member was not registered with any political party
10 otherwise represented on the commission, the candidates shall not be
11 registered with any political party otherwise represented on the
12 commission. If the vacancy to be filled is other than the chairperson, such
13 vacancy shall be filled by the appointing authority who made the original
14 appointment pursuant to subsection (c)(1). Any vacancy in the position of
15 chairperson shall be filled by a majority vote of the remaining
16 commissioners. If the vacancy is not filled within 14 days after the
17 nomination of candidates, the supreme court nominating commission shall
18 make the appointment. In filling any such vacancy, the supreme court
19 nominating commission shall strive for political balance and fairness. Any
20 commissioner appointed to fill a vacancy shall serve the remainder of the
21 original term.

22 (f) A quorum of the commission shall consist of three members.
23 Three or more affirmative votes of the members shall be required for any
24 official action of the commission. All meetings of the commission shall be
25 conducted in accordance with the open meetings act.

26 (g) Each member shall serve a term of office that shall expire on
27 December 31 of each year ending in zero.

28 (h) Each member shall be paid compensation, subsistence allowances,
29 mileage and other expenses as provided in K.S.A. 75-3223, and
30 amendments thereto.

31 (i) No member shall be eligible for public office or to register as a
32 lobbyist while serving as a commissioner and for the three years
33 immediately after such member's term expires.

34 Sec. 4. (a) The Kansas reapportionment commission shall establish
35 reapportionment plans for congressional, state house of representatives,
36 state senate and state board of education districts in accordance with the
37 reapportionment standards provided in section 5, and amendments thereto.

38 (b) Prior to submission to the legislature, the commission shall
39 publish a draft map of each reapportionment plan. The commission shall
40 receive public comments on such reapportionment plan for at least 30 days
41 after such publication. The commission shall consider any
42 recommendations for modifications of each reapportionment plan prior to
43 submitting any reapportionment plan to the legislature.

1 (c) The staff of the office of revisor of statutes and the legislative
2 research department shall provide assistance as may be requested by the
3 commission, subject to approval by the legislative coordinating council.

4 Sec. 5. (a) At the commencement of preparing reapportionment plans,
5 the commission shall create districts of equal population in a grid-like
6 pattern across the state. Adjustments to the grid shall then be made as
7 necessary to accommodate the following reapportionment goals:

8 (1) Districts shall comply with the constitution of the United States
9 and the federal voting rights act of 1965;

10 (2) congressional and state legislative districts shall have equal
11 population to the extent practicable;

12 (3) districts shall be geographically compact and contiguous to the
13 extent practicable;

14 (4) district boundaries shall respect communities of interest to the
15 extent practicable;

16 (5) district boundaries shall use visible geographic features, city and
17 county boundaries and undivided census tracts to the extent practicable;
18 and

19 (6) competitive districts should be favored if there is no significant
20 detriment to the other goals to the extent practicable.

21 (b) Political party registration and voting history data shall not be
22 used in preparing reapportionment plans, but may be used to test plans for
23 compliance with the goals set forth in subsection (a). The residence of
24 incumbents or candidates shall not be identified or considered in preparing
25 reapportionment plans.

26 (c) Any reapportionment plan for state board of education districts
27 shall be prepared in accordance with K.S.A. 4-526, and amendments
28 thereto.

29 Sec. 6. (a) (1) On or before the first day of the regular session of the
30 legislature of each year ending in two, the commission shall submit
31 prepared reapportionment plans for congressional, state house of
32 representatives, state senate and state board of education districts prepared
33 in accordance with section 4, and amendments thereto, to the chief clerk of
34 the house of representatives and the secretary of the senate.

35 (2) On the first day of the regular session of the legislature of each
36 year ending in two, bills containing one or more reapportionment plans
37 submitted pursuant to paragraph (1) shall be introduced in the house of
38 representatives and the senate. Such bills shall be brought to a final vote in
39 the chamber of origin not less than three days nor more than seven days
40 after the report of the legislative research department required under
41 section 2, and amendments thereto, is received and made available to the
42 members of the legislature. Such bills shall in the aggregate contain all
43 reapportionment plans submitted pursuant to paragraph (1). Action on such

1 bills by either chamber shall be taken under a procedure or rule permitting
2 no amendments except those of a purely corrective nature.

3 (3) If one or more bills are passed by the first chamber in which such
4 bill is considered, such bill shall be brought to a final vote in the second
5 chamber not more than seven days after receipt of such bills by such
6 chamber under a procedure or rule permitting no amendments except those
7 of a purely corrective nature.

8 (4) If one or more bills containing a reapportionment plan is not
9 passed by a constitutional majority in either the house of representatives or
10 the senate, then, within seven days after the date such bill fails to receive a
11 constitutional majority, the chamber that failed to pass such bill shall adopt
12 a resolution regarding the reasons why such bill was not passed and direct
13 such resolution be transmitted to the commission.

14 (5) If one or more bills containing a reapportionment plan is passed
15 by the legislature and subsequently vetoed by the governor, then the
16 reasons for such veto shall be stated in the governor's veto message.

17 (b) (1) If one or more bills containing a reapportionment plan
18 submitted pursuant to subsection (a)(1) is not enacted, the commission
19 shall prepare and submit one or more new reapportionment plans in
20 accordance with section 4, and amendments thereto, and, insofar as it is
21 possible to do so within the requirements of section 4, and amendments
22 thereto, in accordance with the reasons cited by the house of
23 representatives or the senate by resolution or by the governor in the veto
24 message, for the failure to pass the initial reapportionment plans. A second
25 bill containing such reapportionment plans shall be introduced in the
26 legislature not later than 35 days after the date of the vote by which the
27 house of representatives or the senate fails to pass the bill introduced under
28 subsection (a), or the date the governor vetoes or fails to approve such bill.
29 If a bill is introduced under this subsection, the bill shall be brought to a
30 final vote in the chamber of origin not less than seven days after the bill is
31 introduced under a procedure or rule permitting no amendments except
32 those of a purely corrective nature.

33 (2) If such bill is passed by the first chamber in which it is
34 considered, it shall be brought to a final vote in the second chamber not
35 more than seven days after receipt of the bill by such chamber under a
36 procedure or rule permitting no amendments except those of a purely
37 corrective nature.

38 (3) If such bill fails to be passed by a constitutional majority in either
39 the house of representatives or the senate, then, within seven days after the
40 date the bill fails to receive a constitutional majority, the chamber that
41 failed to pass such bill shall adopt a resolution regarding the reasons why
42 the bill was not passed and direct such resolution be transmitted to the
43 commission.

1 (4) If such bill is passed by the legislature and subsequently vetoed
2 by the governor, then the reasons for such veto shall be stated in the
3 governor's veto message.

4 (c) If one or more bills containing a reapportionment plan submitted
5 pursuant to subsection (b)(1) is not enacted, one or more new
6 reapportionment plans shall be submitted and a bill containing such
7 reapportionment plans shall be introduced and shall be acted upon in the
8 same manner and under the same procedures as prescribed in subsection
9 (b).

10 Sec. 7. This act shall take effect and be in force from and after its
11 publication in the statute book.